



**MINUTES OF THE SPECIAL JOINT MEETING OF THE RATON CITY
COMMISSION AND RATON PUBLIC SERVICE BOARD OF DIRECTORS
HELD ON WEDNESDAY, JANUARY 27, 2021 AT 5:30 PM**

A special joint meeting of the Raton City Commission and Raton Public Service Company Board of Directors was held regarding pending litigation and a settlement agreement between the City of Raton and Twin Eagle Resource Management, LLC pursuant to the call of Mayor Segotta and due notice of January 22, 2021 in the Commission Chambers.

I. CALL TO ORDER:

Mayor Segotta called the special joint meeting of the Raton City Commission and Raton Public Service Board to order at 5:30 p.m.

II. ROLL CALL/ATTENDANCE:

Answering roll call was: Mayor James Neil Segotta, Jr./RPS Board Member, Commissioners: Lori Chatterley, Ron Chavez and Don Giacomo/RPS Board Member. Raton Public Service Board Members: Kathy McQueary, Monty McGowen and David Swanson. Also present were City Manager Scott Berry, Clerk/Treasurer Michael Anne Antonucci, RPS General Manager David Piancino, Retiring RPS General Manager Sandy Chavez, RPS Business Manager Robyn Osborn, Advisory Board Member Frank Ferri and Trustee Wayne McMurtry. Attorney Juan Flores was also present via telephone. Mayor Pro-tem Schuster joined the meeting at 5:45 p.m.

III. CLOSED EXECUTIVE SESSION PURSUANT TO:

- **NMSA 10-15-1H(7): Pending Litigation – Twin Eagle Resource Management LLC and City of Raton/Raton Public Service No. D-809-CV-2019-00020**

A motion was made by Commissioner Chatterley to go into Closed Executive Session Pursuant to NMSA 10-15-1H(7): Pending Litigation- Twin Eagle Resource Management LLC and City of Raton/Raton Public Service No. D-809-CV-2019-00020. The motion was seconded by Kathy McQueary and carried 9-0 with a unanimous roll call vote of “yes” from each Commissioner and RPS Board Member. Mayor Pro-tem Schuster arrived after closed session started.

IV. CERTIFICATION OF CLOSED SESSION (NMSA 10-15-1J)

The meeting returned to open session at 6:00 p.m. Clerk/Treasurer Antonucci stated that the minutes shall state that the matters discussed in closed session were limited only to those specified in the motion to go into closed session and also as advertised and that no action was taken. She then asked the City Commissioners and RPS Board Members to approve or disapprove the statement by signifying a yes or no vote. All Commissioners and RPS Board members agreed to the statement by signifying “yes”.

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HELD ON WEDNESDAY, JANUARY 27, 2021 (Cont.)**

V. DELIBERATE AND ACT ON RESOLUTION 2021-2 RPS BOARD OF DIRECTORS RECOMMENDATION TO THE RATON CITY COMMISSION TO APPROVE THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE CITY OF RATON AND TWIN EAGLE RESOURCE MANAGEMENT, LLC

RPS Board President Kathy McQueary presented Resolution 2021-2 to the RPS Board of Directors for consideration and recommended its approval. A motion was made by David Swanson to approve Resolution 2021-2 Recommending Adoption By the City of Raton; the Settlement Agreement and Mutual Release Between the City of Raton and Twin Eagle Resource Management, LLC; and the Release of the Subsequent \$1 Million Cash payment from Raton Public Service Company Capital Projects Fund. The motion was seconded by Monty McGowen and carried 5-0 with all RPS Board of Directors voting "aye".

VI. DELIBERATE AND ACT ON SETTLEMENT AGREEMENT BETWEEN THE CITY OF RATON AND TWIN EAGLE RESOURCE MANAGEMENT, LLC

City Manager Berry stated that the agreement was formatted for the City Manager's signature and asked that it be included in the motion giving him authorization to sign. The City Commission thanked RPS and the attorneys for their hard work on this case. There was no further discussion. A motion was made by Commissioner Chavez to approve the Settlement Agreement and Mutual Release Between the City of Raton and Twin Eagle Resource Management, LLC; and subsequent \$1 Million cash payment from Raton Public Service Company Capital Projects Fund and to authorize City Manager Scott Berry to execute the settlement agreement. Mayor Segotta called for a roll call vote. Commissioner Chavez - "yes", Commissioner Chatterley "yes", Commissioner Giacomo "yes", Mayor Pro-tem Schuster "yes", Mayor Segotta "yes". The motion carried 5-0.

VII. ADJOURNMENT:

The meeting adjourned at 6:06 p.m.

ATTEST:


Michael Anne Antonucci, City Clerk

CITY OF RATON


James Neil Segotta Jr.,

RATON PUBLIC SERVICE


Kathy McQueary, President